

Remarks/Arguments

Claims 1-33 are pending in the application. The Examiner has objected to claims 5, 9, 19, 20 and 29, stating the phrase “as least some of the following” is unclear. Applicant has amended claims 5, 9, 19, 20 and 29 to recite “at least one of the following,” thereby addressing this ground of objection.

In addition, the Examiner has rejected claims 1-8, 10-19 and 21-28 and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,067,542 to Carino in view of U.S. Patent 5,857,192 to Fitting, and further in view of U.S. Patent Publication No. 2003/0016237 to Hickey. In light of the arguments below, Applicant asks the Office to reconsider these rejections and to allow all of the claims.

The 103(a) Rejections

With regard to claims 1, 16, 23 and 30, Applicant submits that the combination of Carino, Fitting and Hickey does not teach or suggest a test system for emulating a target database system, wherein the target database system supports a standard database query language, as required by Applicant. The Examiner concedes that the combination of Carino and Fitting do not explicitly teach a test system for emulating a target database system. As such, the Examiner attempts to rely on Hickey to overcome this deficiency. However, as outlined below, Hickey fails to address this deficiency, or teach the further requirement that the target database system (*e.g.*, the system that is emulated) support a standard database query language.

As noted by the Examiner, various portions of Hickey do recite the words “emulating a database system” (*see, e.g.*, Hickey, title; abstract; paragraph [0001]; paragraph [0008]). However, upon further reading, it is seen that Hickey does not emulate a *target* database system at all. Rather, Hickey teaches a “database shaping application” that translates data accessed from an existing software application into “a standard database protocol format” to allow “one or more third-party program(s) the

ability to access and cache the data” using standard database protocols (*see, e.g.*, Hickey, abstract; paragraph [0001]; paragraph [0008]). As such, while Hickey teaches emulating a database system, it does not teach or even suggest emulating a target database system.

Moreover, and as alluded to above, the existing software application of Hickey “*does not support standard database protocols*,” (*see, e.g.*, Hickey, abstract; paragraph [0001]; paragraph [0008]; [paragraph [0009]]) (emphasis added). As a result, even if Hickey were to emulate a target database system in the form of an existing software application, as the existing software application of Hickey expressly does not support standard database protocols, Hickey does not emulate a target database system wherein the target database system supports a standard database query language, as required by Applicant’s claims 1, 16, 23 and 30. Therefore, Hickey fails to teach or even suggest the limitations of Applicant’s claims 1, 16, 23 and 30 found missing from the combination of Carino and Fitting. The result is that claims 1, 16, 23 and 30, and their dependents, are patentable under 35 U.S.C. § 103(a) over Carino in view of Fitting in further view of Hickey.

Conclusions

In light of the foregoing, Applicant asks the Office to reconsider this application and to allow all of the claims. Please apply any charges that might be due, excepting the issue fee but including fees for extensions of time, to deposit account 14-0225.

Respectfully,



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